

SERVICE DATE – MARCH 23, 2015

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB 314 (Sub-No. 7X)**

**Chicago Central & Pacific Railroad Company–  
Abandonment Exemption–  
In Pottawattamie County, Iowa and Douglas County, Neb.**

**BACKGROUND**

In this proceeding, the Chicago Central & Pacific Railroad Company (CC&P) filed a petition under 49 U.S.C. § 10502 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon approximately 2.56 miles of interconnected track across and adjacent to the Missouri River in Iowa and Nebraska (the Missouri River Bridge Line). The Missouri River Bridge Line consists of: (1) approximately 2.12 miles of rail line extending from milepost 510.62 in Council Bluffs, Pottawattamie County, Iowa, across the Missouri River to milepost 514.80 near North 25<sup>th</sup> Street E in Omaha, Douglas County, Neb.<sup>1</sup> and (2) the south leg of its wye track at Council Bluffs, extending from milepost 511.7 on CC&P's main line near Avenue K to the connection with the first line segment at North 16<sup>th</sup> Street, an additional distance of approximately 0.44 miles. The Missouri River Bridge Line includes the station of Council Bluffs, which will continue to remain open even if CC&P's abandonment is granted. The Missouri River Bridge Line also traverses United States Postal Zip Codes 51501 and 68110.

According to CC&P, the Missouri River Bridge Line crosses the Missouri River via a two-span center-pivot swing or draw bridge. CC&P states that the bridge has been out of service for more than two decades and is currently inoperative and locked in the open position. CC&P indicates that abandonment of the Missouri River Bridge Line is necessary because for several years, the U.S. Coast Guard (USCG) has deemed the bridge a hazard to water navigation and has demanded that CC&P remove the bridge under threat of penalty. CC&P has initiated the abandonment proceeding because it needs abandonment authorization from the Surface Transportation Board (Board) to CC&P's common carrier responsibility on this portion of track. C&P would then be able to proceed with the bridge removal process, which is a separate action that requires authorization from USCG and the U.S. Army Corps of Engineers (USACE).

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<sup>1</sup> According to CC&P, that segment includes a milepost equation, or adjustment, at Levy Junction near Nash Boulevard in Council Bluffs where milepost 511.35 = milepost 513.41.

CC&P anticipates that the proposed abandonment would have no material effect on its through service between Omaha and Council Bluffs because it has for many years rerouted its traffic to a Union Pacific Railroad Company (UP) rail line, pursuant to a non-Board-regulated switching arrangement.<sup>2</sup> CC&P would continue to route trains under the existing switching arrangement if the abandonment is authorized, but notes that in the absence of such an agreement, it would provide service under an arrangement whereby UP or another railroad would handle the traffic as a “bridging movement” between CC&P interchange points in Council Bluffs and Omaha. CC&P states that in recent years, the wye trackage component of the Missouri River Bridge Line in Council Bluffs has been used for turning locomotives and equipment, and that if abandonment authority is granted, this portion would remain in use as private track to support its current operations.

The Missouri River Bridge Line travels through floodplain and riverine environments that support a mix of industrial and open space land uses. CC&P states that the Missouri River Bridge Line does not contain any federally granted right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

## **ENVIRONMENTAL REVIEW**

CC&P submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CC&P served the environmental report on a number of appropriate federal, state, and local agencies as required by the Board’s environmental rules [49 C.F.R. § 1105.7(b)].<sup>3</sup> The Board’s Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

As previously stated, CC&P has indicated that no local traffic has moved over the line for at least two years and overhead traffic has been rerouted to another line. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

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<sup>2</sup> CC&P states that coordinated switching arrangements date to the early 1990s, at which time the nature of the switching arrangements was reviewed and the arrangement was found not to require advance agency authorization. See Brotherhood of Locomotive Engineers v. Union Pacific Railroad Company and Chicago Central & Pacific Railroad Company, 1993 WL 418083 (ICC 1993), aff’d Brotherhood of Locomotive Eng’rs v. STB, 101 F.3d 718 (D.C. Cir. 1996).

<sup>3</sup> The Environmental and Historic Reports are available for viewing on the Board’s website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to “E-Library,” selecting “Filings,” and then conducting a search for AB 314 (Sub-No. 7X).

## ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. If abandonment authority is granted, CC&P intends to salvage the rail, ties, and other track materials from the bridge approaches on either side of the river. CC&P would leave the underlying roadbed intact such that no excavation or ground disturbance would occur, and the subgrade would remain in place. As previously stated, CC&P intends to retain the wye tracks east of Levy Junction as unregulated track for use in turning locomotives and other equipment. CC&P would obtain bridge removal authorization from USCG and USACE following abandonment, should it be authorized, then proceed with dismantling the Missouri River Bridge. Correspondence submitted with the abandonment filing supports USCG's interest in the bridge's removal.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

## ***Safety***

CC&P states that abandonment of the Missouri River Bridge Line would result in the permanent closure of three public grade crossings at Nash Boulevard and North 25<sup>th</sup> Street in Council Bluffs, and at North 25<sup>th</sup> Street E in Omaha, as well as two private grade crossings. Public grade crossings at North 15<sup>th</sup> Street and North 16<sup>th</sup> Street in Council Bluffs would remain open, as this is the segment that CC&P intends to use as private track. In addition, the planned removal of the bridge structure over the Missouri River following abandonment would remove a structure deemed by USCG to be a navigational hazard.

CC&P has also stated that there are no known hazardous material spills on the right-of-way of the Missouri River Bridge Line, and that the proposed abandonment is expected to have no effect on the current routing of hazardous materials.

## ***City of Council Bluffs***

The City of Council Bluffs commented that it supports the proposed abandonment but has concerns about the railroad tracks west of North 15<sup>th</sup> Street. The City believes that the 16<sup>th</sup> Street grade crossing will pose safety risks for motorists accessing the newly constructed Walmart north of the crossing, once it opens. The City is interested in purchasing this rail corridor, particularly the segment between 25<sup>th</sup> Street and 16<sup>th</sup> Street, if the proposed abandonment is authorized.

OEA notes that the portion of track that the City is interested in acquiring is located in the segment that CC&P intends to use for turning locomotives and other equipment if the abandonment is authorized. OEA understands from CC&P that the crossing of concern at 16<sup>th</sup> Street is relatively new and is protected with flashing signals. In addition, the tracks and ties in the vicinity have recently been upgraded to accommodate rail movements.

While OEA has taken the City's concerns into account, it should be noted that railroads, as well as state and local governments, have an obligation to uphold the Federal Railroad Administration's (FRA) safety requirements and standards at all public railroad grade crossings. These measures include: the understanding that trains always have the right-of-way at any grade crossing; that the railroad is responsible for properly maintaining crossing signals, switches and other devices per FRA requirements; that railroads must sound the locomotive horn on approach to, and until occupying, all public grade crossings unless the crossing is part of an FRA recognized Quiet Zone; that railroads properly maintain the event recorder (black box) on all locomotives to preserve data for help in accident or incident investigations; that all lead locomotives must have auxiliary alerting lights; and that all rail cars and locomotives must have reflectorized tape for visibility.

State and local governments also have a key role in ensuring grade crossing safety by: selecting appropriate highway traffic control devices, including grade crossing warning systems, advance roadway signage, and pavement markings; determining with the railroad the need for, and design of, interconnections between grade crossing active warning systems and other highway traffic control signals; and enforcing state requirements regarding clearance of sight obstructions on railroad or other property at grade crossings.

FRA's safety regulations ensure that motorists and pedestrians at grade crossings would be properly warned of any impending train movements and would understand the necessity to stay clear of the right-of-way until a train has passed and the signals have stopped flashing.

While OEA has not received comments from the Iowa Department of Transportation (Iowa DOT) and the Nebraska Department of Roads, both agencies have been included in the service list for this proceeding so that they may receive a copy of the EA and comment, as necessary.

#### U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (USEPA) commented that the EA should contain soil sample data to determine the possible presence of soil contamination in the right-of-way from prior rail operations. USEPA also commented that the EA should address the final disposition of creosote-treated wood, as well as any contaminated soil. CC&P has indicated that its salvage process would not involve any activities that would disturb the soil, and that it intends to dispose of any creosote-treated in accordance with applicable regulations in keeping with its practice. OEA has therefore determined that there is no need for further consultation regarding this matter, as there would be no adverse impacts associated with soil contamination or creosote-treated wood disposal as a result of the proposed abandonment.

OEA has included USEPA in the service list for this proceeding so that it may receive a copy of the EA for review.

### ***Land Use***

The City of Omaha Planning Department provided comments regarding the possible effects of the proposed abandonment on a passenger rail proposal, a study of which was issued two years ago and is detailed below:

In May 2013, FRA and Iowa DOT released a Final Environmental Impact Statement (EIS) for the Chicago to Council Bluffs-Omaha Regional Passenger Rail System Planning Study.<sup>4</sup> The study used a tiered environmental process to preliminarily analyze a 500-mile corridor between Chicago and Omaha. If constructed, the project would include new main track, sidings, and connecting tracks, as well as upgrades to existing track to enable faster passenger train speeds and the desired passenger train service reliability and safety. The project also includes improvements to railroad crossings, signals, and stations.

The EIS considered and evaluated several route alternatives along existing railroads connecting the Chicago and the Omaha/Council Bluffs metropolitan area, including the Missouri River Bridge crossing. According to FRA, a more detailed analysis will be prepared to identify more specific requirements for passenger service, including alternative bridge and station locations across the Missouri River between Council Bluffs and Omaha. The outcome of the study, which will include capacity and capability of the train network, has yet to be determined.

### ***Comments from The City of Omaha***

The City of Omaha Planning Department believes that the proposed abandonment would have an impact on its long-range plans, which among other things, call for renewing rail service to the area to increase employment and economic development opportunities; improving the connectivity between river and downtown areas; and expanding the growth potential in rail transportation in and around the City.

The City also commented that the Missouri Bridge Line was included as an alternative route in the above mentioned FRA and Iowa DOT study that contemplated rail improvements in the Omaha to Chicago corridor. The City states that it supports keeping all available alternative routes open for possible passenger service, and that the existing nearby UP mainline may not be available or advisable for increased passenger traffic. The City supports keeping the current bridge crossing in place as it believes the creation of a new bridge is an inefficient process that would be both costly and risky.

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<sup>4</sup> To access the study, go to FRA's web site at [www.fra.dot.gov](http://www.fra.dot.gov) then go to "Rail Network Development," then select "Environment," then "Completed Environmental Reviews," and click on the map of "Iowa," select "Midwest," and scroll to the "Chicago to Council Bluffs-Omaha Regional Passenger Rail System Planning Study."

Despite the navigational safety hazards previously discussed, and that CC&P has indicated that the bridge has never been used for passenger train service and that it is in a deteriorated state and would be costly to repair, OEA notes that there is a public use request mechanism in place in abandonment proceedings if the right-of-way is deemed suitable for other public use under 49 U.S.C. § 10905 as a transportation, utility, or recreational corridor. An interested party would need to submit a request containing the requisite four-part showing for imposition of a public use condition under 49 C.F.R. § 1152.28 to the Board and serve the request on the railroad within the specified timeframe.

Lastly, the City of Omaha commented that it is not aware of any adverse effects that would otherwise occur from the proposed abandonment, but did recommend contacting a number of other agencies regarding wildlife, floodplain, and historic resources.

OEA has included the recommended agency contacts in the service list for this proceeding so they may review the EA and comment if necessary.

#### *U.S. Department of Agriculture, Natural Resources Conservation Service*

NRCS commented that the area of proposed abandonment does not contain any prime farmland soils in accordance with the Farmland Protection Policy Act. OEA therefore concludes that no further consultation with NRCS is necessary.

#### ***Biological Resources***

CC&P does not believe that any critical habitat would be destroyed or affected or that any endangered or threatened species would be adversely affected by the proposed abandonment because, as previously stated, salvage operations would be limited to using existing access routes and no ground disturbance would occur. The U.S. Fish and Wildlife Service (USFWS), USEPA, and the Iowa Department of Natural Resources (IDNR) provided comments and recommendations, as detailed below.

#### *U.S. Fish and Wildlife Service*

USFWS, Grand Island Field Office, initially commented that it has no objection to the proposed abandonment. However, in a second letter, USFWS expressed a number of concerns regarding the proposed abandonment and the potential for impacts to endangered and threatened species; migratory birds; fish and wildlife; and associated habitats.

USFWS has statutory authority for the conservation and management of fish and wildlife resources under the Endangered Species Act (ESA), and accordingly, states that the following federally listed species may occur in the area of the proposed abandonment: Interior least tern (*Sterna antillarum*) for migration and nesting; Pallid sturgeon (*Scaphirhynchus albus*) along the Missouri and Lower Platte Rivers; and Piping plover (*Charadrius melodus*) for migration and nesting. In addition, the Northern long-eared bat (*myotis septentrionalis*) is currently proposed

for ESA listing, with a final decision expected in early April 2015. Since the decision is imminent, OEA will assume that the Northern long-eared bat is an ESA-listed species for this review.

USFWS provided a number of general conservation conditions that, if implemented, would reduce ESA impacts from the threshold of *May Affect, Likely to Adversely Affect* determination to *May Affect, Not Likely to Adversely Affect* determination. The conditions include notifying the Nebraska Game and Parks Commission (NGPC) for further consultation if federal or state listed species are observed during construction (or in this case salvage operations); prohibiting refueling in sensitive areas, such as wetlands, near rivers and streams, riparian zones, and grasslands; properly disposing of construction, salvage, and waste debris so as not to disrupt or adversely affect state of federally listed species and/or their habitats; and sending the results of species surveys to USFWS and NGPC, if such surveys are required.

In addition to the above general conditions, USFWS provided species specific conservation conditions that would, among other things, impose temporal or geographic restrictions on construction/salvage activities; require field surveys per USFWS protocols when suspected species are in the area; require the use of native species for site restoration; restrict the use of vibratory equipment; impose temporal restrictions on channel discharges and channel disturbances; minimize erosion potential at storm outlets and along upland areas; and impose temporal restrictions on tree clearing and bridge demolition activities.

USFWS also has statutory authority for the conservation and management of fish and wildlife resources under the Fish and Wildlife Coordination Act; the Bald and Golden Eagle Protection Act; and the Migratory Bird treaty Act and included a set of best practices similar to the above recommendations that either avoid or minimize and mitigate species and habitat disturbance.

Because many of the species of note would be in or around the project location at overlapping and/or different times of the year, USFWS has requested that survey results, project details, and avoidance measures be submitted to its office prior to initiating the salvage/demolition processes. OEA has therefore included a condition in this EA that would require CC&P to consult with USFWS and OEA, pursuant to Section 7 of the ESA, to determine an appropriate time period to conduct salvage operations and to develop mitigation measures and best management practices for the salvage process, as necessary.

#### USEPA

USEPA commented that the right-of-way may be host to a number of invasive plant species and is recommending that the plants be removed and/or treated, if encountered, during the salvage process to prevent further spread. OEA is recommending that CC&P consult with USEPA regarding the need to remove or treat invasive plants during salvage to prevent further spread of these plants.

Iowa Department of Natural Resources, Conservation and Recreation Division

IDNR's CRD commented that it conducted a search of its database for any rare species, significant natural communities, and state lands that may be present within the area of the proposed abandonment and found no site specific records for such resources, but indicated that it would need to be notified if any such resources are encountered during the salvage process to determine further actions. CRD also notes that approvals from other IDNR offices, such as the Environmental Services Division, may be required prior to salvage operations.

OEA has included the appropriate IDNR departments in the service list for this proceeding so that they may receive a copy of the EA and comment, as necessary.

***Water Resources***

According to CC&P, the proposed abandonment of the Missouri River Bridge Line, particularly the removal of the Missouri River Bridge, would be undertaken in accordance with the applicable federal, state, and local water quality standards. The U.S. Army Corps of Engineers (USACE), USEPA, IDNR, and the Nebraska Department of Natural Resources (NDNR) provided comments and recommendations, as detailed below.

U.S. Army Corps of Engineers

USACE's Omaha District commented that a Section 404 permit under the Clean Water Act (33 U.S.C. § 1344) is required if the proposed abandonment involves the placement of dredged or fill material into waters of the United States. OEA believes that a Section 404 permit would not be required for the track salvage associated with the proposed abandonment because, as previously stated, CC&P intends to salvage the rail, ties, and other track materials from the bridge approaches on either side of the river, but would leave the underlying roadbed intact such that no excavation or ground disturbance would occur. The subgrade would remain in place. CC&P intends to retain the wye tracks east of Levy Junction as unregulated track for use in turning locomotives and other equipment.

USACE also confirmed that a separate permit would be required for the post-abandonment bridge removal process and asks that CC&P coordinate this activity before proceeding with the demolition. OEA understands that CC&P would coordinate the bridge removal with USCG and USACE following abandonment, should it be authorized.

USACE recommended contacting a number of other agencies for project consultation, which OEA has done. OEA has included USACE in the service list for this proceeding so that it may receive a copy of the EA for review and provide additional comments, as necessary.

USEPA

USEPA noted that CC&P neglected to include any information in its environmental and historic report about what best management practices it would be using during the salvage process, as some of the track structures, including the bridge, are within a water of the United



States or the 100-year floodplain. USEPA believes that salvage operations should be conducted in such a manner that prevents incidental spills associated with machinery maintenance and refueling operations from occurring. USEPA believes that the EA should address the types of best management practices that would be used during the salvage process to minimize potential impacts.

OEA will ensure that this information is incorporated into the Section 7 consultation process with USFWS, and that appropriate mitigation measures and best management practices are developed for the salvage process, including any restrictions on chemical and fuel use and storage for the protection of terrestrial and aquatic species and their habitat.

OEA has included USEPA in the service list for this proceeding so that it may receive a copy of the EA for review.

### IDNR

IDNR recommends that best management practices be used during salvage operations, and to contact USACE for any potential impacts to waters of the United States and wetlands. As previously stated, OEA has included a consultation condition that would require CC&P to consult with USFWS and OEA prior to initiating the salvage process to ensure that appropriate species surveys are developed, as needed, and that appropriate mitigation measures and best management practices are put into place prior to salvage operations, pursuant to the Section 7 of the ESA. OEA believes that a Section 404 permit would not be required for the track portion of the proposed abandonment because CC&P intends to salvage the rail, ties, and other track materials from the bridge approaches on either side of the river, but would leave the underlying roadbed intact such that no excavation or ground disturbance would occur. The subgrade would remain in place.

IDNR also commented that the proposed abandonment would require a sovereign lands permit for state-owned lands and waters under the jurisdiction of IDNR, which includes the Missouri River. OEA believes that a sovereign lands permit for the track portion of this transaction is not needed. Should such a permit be needed for the bridge removal, OEA is recommending a condition requiring CC&P to consult with IDNR regarding the need for a sovereign lands permit and comply with the reasonable requirements of such a permit, should the proposed transaction be authorized.

OEA has included both USACE and IDNR in the service list for this proceeding so that they may receive a copy of the EA for review and provide additional comments, as necessary.

### Nebraska Department of Natural Resources

NDNR reviewed the proposed abandonment for potential impacts to surface water rights, registered groundwater wells, and floodplain management. NDNR states that it has no records of any surface water appropriations or groundwater wells for the area. NDNR indicates that the proposed abandonment is located in the 100-year floodplain and that a floodplain development permit is needed. OEA believes otherwise, as there would be no change in the 100-year water

surface elevation from the proposed abandonment. As previously stated, CC&P intends to salvage the rail, ties, and other track materials from the bridge approaches on either side of the river, but would leave the underlying roadbed intact such that no development, excavation or ground disturbance would occur. The subgrade would remain in place.

OEA has included NDNR in the service list for this proceeding so that it may receive a copy of the EA for review.

### ***Geodetic Markers***

#### **National Geodetic Survey**

The National Geodetic Survey (NGS) commented that approximately one geodetic station marker may be affected by the proposed abandonment. OEA is therefore recommending a condition that would require CC&P to notify NGS at least 90 days before beginning salvage operations that would disturb or destroy these geodetic station markers.

OEA has not yet received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. In addition to the above referenced agencies, OEA is sending a copy of this EA to the following agencies for review and comment: the Iowa Department of Transportation; the Nebraska Department of Roads; the Nebraska Department of Environmental Quality; the Iowa Department of Management; the USFWS Nebraska Field Office; the National Park Service; the Pottawattamie County Board of Supervisors; the Douglas County Board of County Commissioners; the Pottawattamie County Office of Planning and Development; the Douglas County Planning and Zoning; the Nebraska Game and Parks Commission; the City of Council Bluffs Department of Public Works; and the USCG.

### **HISTORIC REVIEW**

CC&P submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the State Historical Society of Iowa and the Nebraska State Historical Society (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The report indicates that the line proposed for abandonment contains one bridge that is 50 years old or older. The Missouri River Bridge, a roughly 1,600 foot-long dual swing (draw) span bridge of through truss design, is located between milepost 514.19 and milepost 514.54. CC&P states that on the Iowa side, the bridge consists of (1) a single 60-foot plate girder span constructed in 1904 (the East Span); (2) a 520-foot center-pivot through truss swing span constructed in 1893 (the West Span); (3) a 520-foot center-pivot through truss swing span constructed in 1904; and (4) eight 60-foot plate girder spans constructed in 1904. CC&P states that the bridge was originally double-tracked but is now single-tracked. The West Span is in the closed position, and was rarely, if ever, opened after its construction. The East Span is anchored, inoperative and in the open position. The center pivot pier for the East Span rests on the east bank of the Missouri River. During navigation season, boats pass between the east bank and the mid-river common rest pier where both spans met when closed.

According to CC&P, both the 1893 and 1904 portions of the bridge were designed by J.A.L. Waddell. CC&P states that contemporary reports in engineering periodicals of the day indicate that the bridge was the longest railroad double-swing span in the world. The Missouri River Bridge remained operational for decades until the 1980s, and then for a period, would be open and closed once a year and used for railroad traffic only during the winter months when the Missouri River was closed for navigation. CC&P states that it eventually negotiated the switching arrangement with UP to allow CC&P trains to avoid the bridge. There has been no traffic on the bridge for over two decades, and neither span is operational today. CC&P indicates that an engineering inspection in 1999 recommended extensive repairs before any attempt to close the East Span to permit trains to cross the bridge.

As previously stated, USCG has insisted that the bridge be removed because it is a hazard to Missouri River navigation, and the abandonment process is the first step toward completing the bridge removal process. CC&P must obtain approval from the Board to remove the line of railroad before it can proceed with bridge removal, which will be a separate transaction that requires approval from USGC and USACE. CC&P states that, based on feedback from the Iowa and Nebraska SHPOs, it has reason to believe that the Missouri River Bridge may meet the criteria for listing in the National Register of Historic Places (National Register). Moreover, the Nebraska SHPO has commented that it believes the Missouri River Bridge is eligible for listing in the National Register, and that any such removal, including the removal of track, would constitute an adverse effect on the historic property. The Nebraska SHPO states that further coordination with the Board, USCG and USACE regarding bridge removal is warranted.

In terms of ground disturbances and the potential for archaeological resources to be present, CC&P states that, to the best of its knowledge, it believes that subsurface ground disturbance occurred some 120 years ago when the Missouri River Bridge Line was constructed, as well as 110 years ago when the West Span was rebuilt. CC&P is unaware of other environmental conditions that might affect archaeological recovery of resources. CC&P states that access is fair to the portions of line that are on the ground, but that bridge access is not available due to safety and security considerations.

Due to the potential presence of historic resources that may be impacted during salvage of the Missouri River Bridge, OEA is recommending a condition that requires CC&P to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the right-of-way of the Missouri River Bridge Line (the Area of Potential Effect or APE) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>. Specifically, OEA will work with both SHPOs to ensure that opinions on the potential eligibility and an effect determination is made of all historic resources on the line in the APE of the proposed abandonment.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.<sup>5</sup> The database indicates that there are 13 federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: the Iowa Tribe of Kansas and Nebraska; the Iowa Tribe of Oklahoma; the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation; the Sac and Fox Tribe of the Mississippi in Iowa; the Omaha Tribe of Nebraska; the Otoe-Missouria Tribe of Indians; the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation; the Ponca Tribe of Nebraska; the Cheyenne and Arapaho Tribes, Oklahoma; the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; the Santee Sioux Nation, Nebraska; and the Yankton Sioux Tribe of South Dakota. OEA has included these tribes in the service list for this proceeding so that they may receive a copy of the EA for review.

## **CONDITIONS**

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1535), Chicago Central & Pacific Railroad Company (CC&P) shall consult with the Board's Office of Environmental Analysis and the U.S. Fish and Wildlife Service in order to develop appropriate mitigation measures, if necessary. CC&P may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 7 consultation process is complete and the Board has removed this condition.
2. CC&P shall consult with USEPA regarding the need to remove or treat invasive plants during salvage to prevent further spread of these plants and shall comply with the reasonable requirement of USEPA in preparing for and conducting salvage activities.
3. CC&P to consult with INDR regarding the need for sovereign lands permit and comply with the reasonable requirements of such a permit, should CC&P receive the necessary federal permits to remove the Missouri River Bridge.
4. CC&P shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
5. CC&P shall retain its interest in and take no steps to alter the historic integrity of all historic properties on the Missouri River Bridge Line including sites,

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<sup>5</sup> Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited February 27, 2015) and the U.S. Housing and Urban Development's Tribal Directory Assessment Tool at <http://egis.hud.gov/tadat/Tribal.aspx> (last visited February 27, 2015).

buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. CC&P shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Offices and the public. CC&P may not file its consummation notice or initiate any salvage activities related to abandonment of the Missouri River Bridge Line (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 314 (Sub-No. 7X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov).

Date made available to the public: March 23, 2015.

**Comment due date: April 22, 2015.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment